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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,625	11/07/2001	Yeshik Shin	594728118US	1053
25096	7590	06/07/2006	EXAMINER	
PERKINS COIE LLP			NGUYEN, STEVEN H D	
PATENT-SEA				
P.O. BOX 1247			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1247			2616	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/045,625

**Applicant(s)**

SHIN ET AL.

**Examiner**

Steven HD Nguyen

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The applicant should insert the application number into the blanks of the Para [001].

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnett (USP5703875).

Regarding claim 9, Burnet discloses a method for identifying packet types of packets of symbols comprising receiving a synchronization symbol indicating a packet type (Col. 2, lines 40-49), each packet type having a different synchronization symbol (Col. 2, lines 40-49); receiving a packet of symbols (Col. 2, lines 40-49); and indicating that the received packet of symbols has the packet type of the received synchronization symbol (Col. 2, lines 40-49, Fig 2, Ref 12 and 13, the state control word is used to stored the data or control packet into correct buffer).

Regarding claim 10, Burnett discloses the symbols of the packet include in-band symbols (Fig 2, ref 12) and the synchronization symbols are out-of-band symbols (Col. 2, lines 40-49, control words for control or data type message).

Regarding claim 11, Burnet discloses the in-band symbols are transition optimized (Fig 2, ref 12) and the out-of-band synchronization symbols are not transition optimized (Col. 2, lines 40-49).

Regarding claim 12, Burnet discloses the synchronization symbol is transmitted before transmitting the symbols of the packet (Col. 2, lines 40-49).

Regarding claim 13, Burnet discloses packet types include a data packet (Fig 2, Ref 13).

Regarding claim 14, Burnet discloses packet types include a control packet (Fig 2, Ref 12).

Regarding claim 15, Burnet discloses the symbols are received from a switch (Fig 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1-8 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (USP 5703875) in view of Deb (USP 6172990).

Regarding claims 1 and 16, Burnet discloses a method for transmitting packet types of packets comprising the steps of receiving a packet having symbols, transmitting a synchronization symbol that corresponds to the identified packet type (Col. 2, lines 40-49), wherein the transmitted synchronization symbol provides synchronization information and wherein each packet type has a different synchronization symbol; and transmitting the symbols of the received packet (Col. 2, lines 40-49, each type of message is associated with a different state control word and the state control world is transmitted before transmitting its associated message). However, Burnett does not fully disclose identifying a packet type of the packet based on the received packet. In the same field of endeavor, Deb discloses a method for receiving a packet and identified the type of received packet and transmitting appended index that associated with the packet before transmitting packet (Col. 16, lines 24-58, col. 17, lines 22-37 and Fig 8, col. 21, line 30 to col. 22, line 19).

Since, a method for identifying a type of packet is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to apply a method for identifying a type of packet as disclosed by Deb into Burnett's system and method. The motivation would have been to reduce delay time when transmitting a packet from source to destination.

Regarding claims 2 and 17, Burnett discloses the symbols of the packet include in-band symbols (Fig 2, ref 12) and the synchronization symbols are out-of-band symbols (Col. 2, lines 40-49, control words for control or data type message).

Regarding claims 3 and 18, Burnet discloses the in-band symbols are transition optimized (Fig 2, ref 12) and the out-of-band synchronization symbols are not transition optimized (Col. 2, lines 40-49).

Regarding claims 4 and 19, Burnet discloses the synchronization symbol is transmitted before transmitting the symbols of the packet (Col. 2, lines 40-49).

Regarding claims 5 and 20, Deb discloses the packet has a header with a field that indicates packet type (Fig 1b, Ref 36) and the identifying of the packet type includes checking the field of the header that indicates packet type (Col. 16, lines 24-58, col. 17, lines 22-37 and Fig 8, col. 21, line 30 to col. 22, line 19).

Regarding claims 6 and 21, Burnet discloses the packet types include a data packet (Fig 2, Ref 13).

Regarding claims 7 and 22, Burnet discloses the packet types include a control packet (Fig 2, Ref 12).

Regarding claims 8 and 23, Burnett discloses the symbols are transmitted to a switch network (Fig 1).

Regarding claim 24, Deb discloses the communications device is part of a storage area network (Fig 10, Ref 1010 is hard drive).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bussiere (USP 6041042) discloses a method and system for determining a type of packet, then encapsulating a header that includes a type of packet.

Hendel (USP 6014380) discloses a method and system for transmitting control information regarding packet type of the received packet and transmitting the control information before the received packet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen  
Primary Examiner  
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May 30, 2006

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